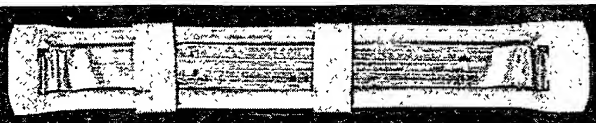

- Brief -

COMMUNIST PARTY ATTACKS AGAINST

GOVERNMENT WITNESSES

5-6 (Rev. 3-25-58)

DOMESTIC INTELLIGENCE DIVISION - FBI

_____, 1958

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____Mr. Klemp	
____Mr. Lenz	____Please Call Me
____Mr. McNerney	____Please See Me
	____Initial and Return
____Miss Wielkiewicz	____Correct
____Miss Nelson 1511	____Status
____Miss Barto, 1503	✓ RECORDS BRANCH
____Miss Bergamaschi 1259	____Place on Record and Return
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COMMUNIST PARTY ATTACKS AGAINST GOVERNMENT WITNESSES

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December 5, 1956
(Up to date - 10-20-56)

COMMUNIST PARTY ATTACKS AGAINST GOVERNMENT WITNESSES

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A. BACKGROUND

1. Nature of Problem

During the past seven years, 49 current paid Bureau informants as well as numerous discontinued informants and defected communists have testified for the Government at Smith Act trials and other security trials and hearings. From the very outset a bitter attack has been waged against these witnesses by the Communist Party itself and by its attorneys. In addition, the liberal press and various courts have also been outspoken in attacking the Government's use of paid informants as witnesses. These attacks have been given impetus by the decisions of the United States Supreme Court remanding the Pittsburgh Smith Act case for a new trial on the basis of possible perjured testimony by Government witness [redacted] and remanding the case against the Communist Party, USA, to the Subversive Activities Control Board also on the basis of possible perjured testimony by three Government witnesses.

The attacks by the Communist Party and its attorneys have been leveled primarily against the character and reputation of Government witnesses. These witnesses have been continuously referred to as "stool pigeons," "professional witnesses" and as individuals who will do anything for a price. Charges of perjury have been made against them in open court and in defense motions for new trials. During cross-examination any flaw in their background or personal life, however slight, has been exploited to the utmost.

The Communist Party has gone so far as to cause scurrilous leaflets to be published attacking witnesses while they are still on the witness stand and these leaflets have been distributed in the neighborhood of the witness and at his place of employment. Such action occurred during the Los Angeles, Pittsburgh and New Haven Smith Act trials.

At Communist Party conferences and meetings being held throughout the country, discussions are taking place relating to ways and means of further attacking and discrediting Government witnesses. For example, at a conference of Philadelphia Communist Party functionaries in October, 1956, the possibility of making a public demand for a look into the Department's use of "stool pigeons" was discussed. At this meeting Steve Nelson, Pittsburgh Communist Party functionary, discussed his plans for a book dealing exclusively with Government witnesses.

Attorneys for Communist Party defendants are known to be reviewing transcripts of various trials and hearings looking for any differences, however slight, in the testimony of witnesses who have testified at more than one trial. This review has resulted, to date, in the filing of a motion for a new trial in the Philadelphia Smith Act case, based on alleged differences in the testimony of Paul Crouch, now deceased, at the Philadelphia Smith Act trial and his testimony at the Harry Bridges deportation hearing. It also alleges that Crouch gave false testimony in another Immigration and Naturalization Service (INS) hearing. On December 31, 1956, the Department requested the Bureau to conduct investigation relative to the charges in the defense motion. This investigation has been completed and the results have been furnished to the Department. (A detailed summary of the attack against Paul Crouch through the motion for a new trial filed in the Philadelphia Smith Act case is attached to this brief as pages 12 through 17.)

This review of the testimony of Government witnesses by attorneys for Communist Party defendants also resulted in a motion filed in the Communist Party case before the Subversive Activities Control Board (SACB) openly accusing Government witness [redacted] of perjury because of alleged difference in her testimony before the SACB and at the Albert Blumberg Smith Act trial. In this instance, a strong stand was taken by the Government and, following a hearing on December 11, 1956, to determine the credibility of [redacted] the SACB on December 19, 1956, handed down a unanimous ruling that nothing had been brought out at the hearing to cause the Board to believe that [redacted] was "anything but a truthful and forthright witness."

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That the Communist Party is continuing its attack against Government witnesses in spite of an occasional setback is demonstrated by the fact that on December 7, 1956, reliable information was furnished to the Bureau's Boston Office that the Communist Party of New England was paying an unidentified individual $35 a week to scrutinize all public testimony previously given by [redacted] for the purpose of attempting to discover discrepancies. It was subsequently ascertained that this individual is one [redacted] subject of a security case in Boston, and that [redacted] was not restricting his review to the testimony of [redacted] but was also reviewing the public testimony of other Government witnesses.

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Another incident occurred in Oakland, California, on January 10, 1957, when the attorney who represented Steve Nelson at the first Pittsburgh Smith Act trial obtained a court order allowing him to take a deposition from [redacted] a former informant who testified against Nelson at that trial. The deposition was for the purpose of perpetuating [redacted] testimony in California as the basis for a possible future action by Nelson against [redacted] for libel and slander. Following the taking of the deposition, [redacted] attorney advised that he felt the main purpose of this action was to ascertain whether [redacted] would testify at the Pittsburgh retrial and also to attempt to gain information which could possibly be used to discredit [redacted] in the event she testifies at the Pittsburgh retrial. (On September 13, 1957, the Department dropped the Pittsburgh retrial because the necessary witnesses were not available.)

2. Bureau Letter to Attorney General
November 20, 1956

This letter summarized the problem facing the Government as the result of the recent intensified attack against Government witnesses by the courts, by the Communist Party and by attorneys who have represented Communist Party defendants at various security trials and hearings. The Bureau's letter requested the Attorney General's comments concerning this serious problem, pointing out that in order to assure the continued success of the Government's security program, these attacks must be met head on by the Government and a strong stand must be taken to successfully combat all attempts to discredit Government witnesses.

3. Attorney General's Memorandum Dated November 27, 1956

In this memorandum to Deputy Attorney General Rogers, copies of which were furnished the Bureau, the Attorney General requested Mr. Rogers to arrange a conference during the week of December 17, 1956, at which the problems raised in the Bureau's letter of November 20, 1956, would be discussed. The Director noted that Mr. Belmont would represent the Bureau and that he, the Director, desired to see the brief to be used at this conference. Although the conference was not held, the Director, on January 22, 1957, requested that this brief be kept up to date if needed by him.

B. SUGGESTIONS FOR BETTER PREPARATION AND HANDLING OF BUREAU INFORMANTS AS WITNESSES BY DEPARTMENT ATTORNEYS

1. Advantage of Bringing Out Derogatory Information on Direct Examination

At the time the Department or Government attorneys indicate that a certain informant will probably be used at a trial or hearing, the Bureau submits detailed background information concerning the informant to the Department. This communication includes all known derogatory information and any known factors which might affect the credibility of the prospective witness. The Department then decides whether the informant will be used as a witness.

During the course of pretrial interviews, Government attorneys should thoroughly discuss any derogatory material with the prospective witness to insure that the complete facts are known to them. This will mean a little more work for the Government attorneys but it may prevent the defense from "springing a surprise" during cross-examination of the witness.

It is known that as soon as the identity of a Government witness at a trial or Government hearing becomes known to the defense, the Communist Party, usually operating through the defense committee which is set up in connection with each trial or hearing, takes immediate steps to develop

and verify any derogatory information in the background of the witness. Long-distance telephone calls have been made and telegrams have been sent by Party functionaries in attempts to unearth derogatory information and obtain witnesses or documents to be used against Government witnesses on cross-examination.

It is suggested that Communist Party attempts to discredit Government witnesses may be minimized if Government attorneys during direct examination elicit from a witness any derogatory information which the attorneys feel may be brought out during cross-examination. It would appear that bringing out such material during direct examination, along with any mitigating circumstances, would make a better impression on the court and the jury than having the defense bring out such facts during cross-examination.

2. *Advantage of Bringing Out Facts Concerning Bureau Payments to Informants During Direct Examination*

As soon as the Department indicates that a current or former informant will be used as a witness at any security trial or hearing, the Administrative Division of the Bureau prepares a tabulation of all payments made to this individual by the Bureau, broken down as to services and expenses. Copies of such tabulations are furnished to the Department and to the Government attorneys handling the trial or hearing. The purpose of this action is to enable the trial attorneys to go over with the witness during pretrial interviews the entire matter of the Bureau's payments to him. In addition, these facts are then available in the event Government attorneys and defense attorneys agree on a stipulation with respect to the amounts paid to the informant in question by the Bureau.

Defense counsel always attacks the Bureau's payments to informants, either directly or by inference, claiming that the witnesses' testimony has been bought. It would appear that if Government attorneys brought out this matter during direct examination, eliciting from the witness complete details

concerning the Bureau's payments to him, it would preclude an attack by defense counsel during cross-examination or, at least, take most of the sting out of such an attack. If the Bureau's payments to an informant are not brought out during direct examination it creates the impression that the Government is trying to conceal this fact, when in reality, there is no stigma whatever attached to it. When a witness begins to fumble or hedge during cross-examination about the Bureau's payments to him it creates a definitely bad impression on the court and jury. Therefore it appears obvious that the best interest of the Government may be served by having the witness testify on direct examination regarding all payments made to him by the Bureau.

3. Proper Preparation of Witnesses

Prior to pretrial interviews with potential witnesses, copies of pertinent prosecutive-type reports and the actual written reports of the potential witnesses are made available to the Government attorneys. The attorneys, therefore, know everything about a particular defendant or a meeting or a convention which the potential witnesses have reported to the Bureau. Since these reports are available to Department attorneys during pretrial conferences with the prospective witnesses, if the proper time and care are devoted to preparing the witness for testimony there should be no instance in which a Bureau informant will testify to information which is in conflict with information he has previously furnished to the Bureau.

4. Advantage of Having an Informant Testify on Direct Examination Concerning Failure to Pay Income Tax

Another issue which defense counsel usually raises during cross-examination of a current or former informant is the fact that the witness failed to report and pay income tax on money he received from the Bureau. Although all informants are under instruction to report this income for tax purposes, some informants may not have done so for fear it would compromise them.

It is felt that if a witness has failed to report such income and to pay taxes on it, this fact should be elicited during direct examination together with the reason for the witness' failure to do so. The additional fact that the informant now intends to straighten out the matter with Internal Revenue should also be brought out.

5. Advantage of Reviewing Previous Testimony

In those instances where the Department decides to use a witness who has testified in previous trials or hearings, the witness' previous testimony should be reviewed by Government attorneys in order to insure that his anticipated testimony is not in variance with any of his previous testimony. Any variance discerned during a review of previous testimony could be resolved during the pretrial conferences and the subsequent filing of motions for new trials based upon differences in testimony could be prevented.

6. Advantage of Speedy Trials in Security Cases

It will be suggested at the conference that a study be made to determine how best to speed up the trials of security cases. It will be pointed out that in some of our Smith Act cases more than two years have elapsed between the time of indictment and the time the trial began. In connection with appeals the California Smith Act case was under appeal for over five years before a decision was finally handed down by the Supreme Court. These long delays work to the distinct disadvantage of the Government in that witnesses die, get subpoenaed to appear before congressional committees and in some instances the Communist Party learns the identities of people who are to be Government witnesses. This enables the Communist Party to better prepare its attacks on Government witnesses.

C. SUGGESTED ACTION BY DEPARTMENT AFTER TESTIMONY CONCLUDED

1. Danger of Repeated Use of Same Witness in Bureau Cases

The undesirability of the repeated use of the same witness at security trials and hearings is obvious. The witness acquires the reputation of being a "professional witness" and there is the added danger of differences in degree in his testimony from one trial to another. While the witness basically is testifying truthfully, the Communist Party has in the past seized on the small differences in degree of the testimony in order to attack the credibility of the witness.

In preparing a new case for trial the easiest path is to select witnesses who have testified in previous cases if they have knowledge of the activities of the defendants in the new case. It is suggested, however, that every effort should be made by the Department in preparing a new case for trial to eliminate, insofar as is possible, all witnesses who have testified at previous trials. The Bureau will do what it can in this respect in our investigation of new cases by building the cases in such a way to preclude the necessity of an informant who previously appeared as a witness being called as a witness in the new cases. This will not always be possible but every effort will be made in this direction.

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2. Danger of Later Appearances of Witnesses in Committee Hearings and Other Cases

It is not always the later appearances of witnesses in Bureau cases which cause the trouble. In the [redacted] case, [redacted] testified at only one Bureau trial and it was his later appearances before various congressional committees and at state actions which produced the testimony challenged by defense attorneys in the Pittsburgh Smith Act case. The Bureau is in no position to prevent our informants, once exposed, from testifying before congressional committees, at Immigration and Naturalization Service hearings and at state actions.

When the Bureau learns that a congressional committee, Immigration and Naturalization Service or state authorities intend to use as a witness an informant who has recently appeared at a security trial or hearing, the Bureau furnishes such information to the Department. The Bureau also advises the agency or committee which intends to use the informant that while we have no objection to the informant being contacted, clearance for his use as a witness should be obtained from the Department or the United States attorney who handled the trial or hearing at which the informant appeared.

Since the Department usually interposes no objection to the use of the informant as a witness, it is felt that arrangements should be made by Government attorneys to have the informant interviewed relative to his anticipated testimony. This interview would determine whether the anticipated testimony of the informant would prejudice any trial or hearing at which he appeared for the Government and which trial or hearing has not been finally adjudicated.

3. *Advantage of Pressing Obstruction of Justice Cases*

As mentioned previously, one of the methods being used by the Communist Party to attack Government witnesses is the publication and distribution of leaflets attacking the witnesses as "stool pigeons," "paid informers," et cetera. This has happened several times when a particular trial was still in progress, thereby constituting a possible violation of the Obstruction of Justice Statute. The Bureau promptly investigates these matters in accordance with instructions issued by the trial judge and the United States attorney. However, up to the present time no person has been prosecuted under the Obstruction of Justice Statute. It is felt that successful prosecution under the Obstruction of Justice Statute in one of these cases would have a very salutary effect and would deter possible future similar action by the Communist Party.

4. *Necessity for Department to Strongly Oppose Defense Motions Attacking Government Witnesses*

The attack against a Government witness or witnesses in a particular trial or hearing usually culminates in the filing of a motion for a new trial or hearing based upon alleged perjury or alleged unexplained inconsistencies in testimony. Such a motion ultimately resulted in the remanding of the Pittsburgh Smith Act case for a new trial and similar motions have been filed in the Philadelphia Smith Act trial and in the Communist Party case before the SACB.

The Government should, as was recently done in the Communist Party case, file strong replies to such motions. When there is no indication that the Government witness has testified falsely the utmost efforts should be made by the Department in defeating the motions of the Communist Party, aimed at discrediting the Government witness.

D. *POINTS WHICH MAY BE RAISED BY DEPARTMENT AND THE BUREAU'S POSITION*

1. *Introduction of Informant Reports Into Evidence*

Department's position: It is possible that Department officials will claim that the Bureau's position with reference to informant reports is responsible for at least part of this situation. They may claim that, if written reports of a witness could be entered into evidence by the Government and read by the informant on the witness stand, the possibility of the defense successfully challenging the testimony of the witness would be greatly minimized.

Bureau's position: If the Department raises this issue, it will be pointed out that many informant reports contain material that is not germane to the case at issue. They contain names of other undisclosed

informants, hearsay information, unverified allegations, administrative data, names of Special Agents and other information concerning the Bureau's operations. Since the decision of the Supreme Court in the Jencks case and the passage of the so-called "Jencks Bill," this problem has been largely taken out of the Bureau's hands, since it is anticipated that the Government will produce at least those portions of informants' reports relating to the subject matter of their testimony.

2. Unavailability of Current Informants to Testify

Department's position: The Department may also claim that the Bureau's reluctance to make current informants available for testimony has contributed to this situation.

Bureau's position: It is true that the Bureau is reluctant to give up current valuable informants since we have responsibilities in the security field in addition to those of a prosecutive nature. In spite of this fact, the final decision as to whether a current informant is used as a witness is left up to the Attorney General after we have furnished him complete information as to the informant's background and current and long-range value. There are four exceptions to this policy, namely, CG 5824-S, NY 694-S, [redacted] and [redacted] We have advised the Attorney General that, because of the extreme valude of these informants on a national and international level, they are not available for interview or testimony. b2 b7D

E. ACTION TAKEN BY BUREAU

1. Development of Additional Witnesses

The repeated use of witnesses should be avoided whenever possible. In other words, after the first appearance of an informant as a witness, we will attempt to build later cases in the informant's former area of operation in such a way as to preclude the

necessity of appearing as a witness in these later cases. It is realized that this will not always be possible but efforts will be made in this direction. If we are successful in developing additional witnesses, we will, of course, advise the Department so that it will have a choice in selecting witnesses in the later cases.

2. Interviews with Witnesses Following Testimony

One of the biggest problems is the control of an informant after his initial testimony. After he appears as a witness, he is no longer a confidential informant of the Bureau and we have found, from past experience, it is not possible to exercise the same control over him as we could during the time he was an active informant. However, it is felt that we may be able to help informants keep out of trouble by having the Special Agent in Charge and the Agent who handled the informant while he was furnishing information to us have a serious talk with him immediately after he completes his first testimony. It will be pointed out to the informant that he will no longer be operated by the Bureau and that he may be contacted for interviews and appearances by the press, radio and television. It will be pointed out to him that he will undoubtedly be sought as a witness by congressional committees, by the Immigration and Naturalization Service and by state authorities. The Agent will firmly stress that, in connection with any interviews or appearances as a witness, the informant must continue to be factual and truthful and must not build up or embellish his statements for, if he does so, he is eventually bound to wind up in serious trouble.

The above two suggestions were transmitted to the field by SAC Letter 57-7 dated January 29, 1957, with instructions that they be placed into effect immediately.

Comment from various offices has indicated that the interview with the informant following his initial testimony has been very effective.

3. SUGGESTION TO DEPARTMENT REGARDING CHECK BY BUREAU OF CONTEMPLATED TESTIMONY BY FORMER INFORMANTS FOR OTHER AGENCIES

The undesirability of the repeated use of the same witnesses at several security trials and/or hearings has been pointed up again in connection withpreparations being made for the Pittsburgh Smith Act retrial. The Pittsburgh Office reviewed all testimony previously given by former Bureau informants being considered as witnesses in this case. Several discrepancies or inconsistencies were noted in prior testimony given by three of these former informants. The facts regarding these inconsistencies were immediately furnished to Department attorneys by the Pittsburgh Office. The Department attorneys who are in Pittsburgh preparing for the retrial have pointed out that these three former informants have testified creditably in the past and there have never been any indications that they were prone to exaggerate or fabricate. The inconsistencies, however, form a basis for the defense to attack their credibility. Since informants rely solely on their memories, continued testimony is bound to produce discrepancies and inconsistencies. The risk in this regard increases in direct proportion to the number of times they testify.

In an effort to alleviate this situation a memorandum was directed to Assistant Attorney General Tompkins on May 8, 1957, suggesting that whenever any agency of the executive branch of the Government contemplates utilizing a former FBI informant as a witness, it would be desirable for that agency to check with the appropriate Bureau field office to ascertain whether the informant's contemplated testimony is consistent with information previously furnished by him to the Bureau.

This suggestion was approved by the Department and appropriate instructions were issued by the Department to all United States attorneys and to the Immigration and Naturalization Service and by the Bureau to all field offices on August 13, 1957.

F. PHILADELPHIA SMITH ACT TRIAL
(Attack Against Paul Crouch)

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The nine Philadelphia Smith Act subjects, David Davis (Dubensky), [redacted] Thomas Nabried, Joseph Roberts, Irvin Katz, [redacted] Walter Lowenfels and [redacted] were convicted on August 13, 1954. On June 20, 1955, the first four were sentenced to three years and the other five to two years. They have appealed the conviction.

On October 23, 1956, the Department was advised that the Communist Party (CP) was attempting to find an instance where Paul Crouch, a Government witness in the Philadelphia Smith Act trial, had perjured himself and was reviewing all of his testimony. Crouch was a source of information for the Bureau from December 1947 until he died November 18, 1955. He testified before various Congressional committees and was an expert witness in numerous Federal trials. He was employed by the Immigration and Naturalization Service (INS) and in 1954 said he had testified in 20 INS cases. In 1954 he accused the Department of a "curtain of silence" policy with regard to charges made against his credibility.

By letter November 16, 1956, we advised the Department that the Philadelphia Smith Act defendants had requested the Government to file with the Court of Appeals the results of investigation allegedly made by the Department concerning the credibility of Crouch. In this connection an article written by the Alsop Brothers appeared in a Philadelphia newspaper on May 18, 1954, entitled "Crouch Faces Perjury Probe Over Trial Here." According to the article the Attorney General had decided to investigate Crouch for possible perjury and to determine his suitability as a future witness. The article said the investigation would be based on testimony in the Philadelphia Smith Act trial where he testified as to his association with David Davis and on cross-examination was confronted with his testimony in the Harry Bridges case in 1949 where he testified he did not know Davis. Information concerning this article was furnished to the Attorney General on May 19, 1954, and he was told that the Bureau was taking no action in the absence of a specific request. At the time United States Attorney White discussed this matter with Tom Hall of the Department who stated Crouch's testimony appeared to be entirely accurate and was not subject to any inquiry by the Department.

Our letter to Assistant Attorney General Tompkins of November 16, 1956, pointed out the seriousness of the defense attack against Crouch and the possibility that if his credibility was successfully challenged, motions for a new trial would probably be filed in the Philadelphia, Honolulu, Seattle and St. Louis Smith Act cases.

On November 19, 1956, Defense Attorney Thomas D. McBride filed a motion for a new trial for the Philadelphia Smith Act defendants based on alleged perjury by Crouch. A copy of this motion was sent to the Department on November 28, 1956.

The motion sets forth a number of items which it is alleged reflect seriously on Crouch's credibility. None of these claims are new and on September 7, 1955, we sent to the Department material furnished by Crouch to Ted Emanuel of the Commission on Subversive Activities to the Legislature of the Territory of Hawaii and subsequently turned over to our Honolulu Office. Included in this material is a twelve-page mimeographed publication entitled "The Charges Against Paul Crouch and the Facts About Them." This is Crouch's version of 25 charges against him by persons attacking the credibility of his testimony and his answers to these allegations.

The motion for a new trial sets forth the following as evidence developed during the trial reflecting on Crouch's credibility.

1) Crouch was convicted by a U. S. Army Court Martial in 1925 and served a term of two years imprisonment for substantially the same offense as that of the appellants.

FACTS: Crouch did serve three years in Alcatraz following his court martial for subversive activities in the Hawaiian Islands. This fact is well known and has been brought out in previous trials.

2) Crouch testified to intimate acquaintance with defendant Davis commencing in 1928 but in the trial of U. S. v. Harry Bridges in 1949 Crouch said he did not know Davis.

FACTS: Crouch states that his testimony in the Philadelphia trial was true. He added that in the Bridges trial David Davis was described to him as organizational secretary of the YCL in 1929 and as California District Director of the YCL in 1931. He said that he knew that the Philadelphia defendant Davis was a district organizer of the YCL some 2500 miles from

California in 1931 and he had no personal knowledge that Davis had ever been in California. He added that he knew that the organizational secretary of the YCL in 1929 was John Steuben and for these reasons he testified in 1949 that he did not know David Davis.

3) The extravagance of Crouch's claims as to his acquaintance with CP leaders in Europe during his tour of Russia in 1928 although he was a new member; his claim that he lectured at the Lenin Institute and the Frunze Military Academy in Moscow; and his claim that he gave speeches over the Russian radio.

FACTS: Crouch publication does not answer this charge fully, however, it does state that he had been assigned by Moscow to direct infiltration of American Armed Forces and had been given directives and instructions in this field in the Soviet Union.

The motion claims that since his testimony at the Philadelphia trial the following matters have come to counsel's attention affecting Crouch's credibility.

A) In 1950 he testified before the Committee on Un-American Activities of the California State Legislature that in 1941 he attended a closed meeting of the CP at the home of Dr. J. Robert Oppenheimer attended by Oppenheimer and Joseph Weinberg. At a subsequent perjury trial Weinberg produced documentary evidence which established that neither he nor Oppenheimer were in Berkeley at the time of the meeting and Weinberg was acquitted on all counts.

FACTS: Crouch states that his testimony concerning the meeting was true and that at the hearing it was pointed out that although Oppenheimer was in New Mexico at the time it would have been easily possible for him to fly to Berkeley and then return. Dr. Oppenheimer, according to Crouch, said that it would have been possible for him to do this to attend an important meeting. With regard to the Weinberg trial, Crouch stated that his testimony was limited by the prosecutors to expert testimony and that he did not feel free to discuss the unpublished aspects of the Weinberg trial adding that there was absolutely nothing about it that reflected unfavorably on Crouch.

B) In connection with the INS case against Jacob Burck:

1) Crouch testified he had discussed communism with Judge Dancy in Brownsville, Texas, in 1946 which was denied in an affidavit by Judge Dancy.

FACTS: In a letter furnished to the Department and the Bureau dated June 28, 1954, Crouch claimed that his testimony regarding Dancy was true and that Dancy had been a friend of Crouch's family for years and if Dancy did not remember his conversation with Crouch in 1946 it was because of senility since Dancy, in 1954, was 75 years of age.

2) Crouch testified he had been employed as Florida State Publicity Director of the CIO and editor of the "Union Record" whereas affidavits of union officials deny Crouch's position and prove there never was such a post as CIO Publicity Director for Florida and the "Union Record" was never an official organ of the CIO.

FACTS: Crouch submitted to the Department a Photostat of a masthead which reads "Union Record - Published Bi-weekly - Endorsed by Florida State CIO Council." Paul Crouch is shown to be the editor of this publication. Crouch states that CIO bank records in Miami will show that he was on the weekly payroll of the CIO, in addition to his pay as editor of the "Union Record." He states that his pay from the CIO was for work as State Publicity Director.

3) Crouch testified that in 1947 he was editor of the "Dade County, Florida, News." However, affidavits of the Dade County tax collector, clerk of Circuit Court for that county, the Postmaster and others show that there was never such a paper in existence in the county.

FACTS: Crouch submitted to the Attorney General a Photostat of the "Dade County News" editorial page of December 19, 1947. The masthead shows that Paul Crouch was editor and business and editorial offices were in the Miami Shores Theater Building, Miami Shores, Florida.

4) Crouch testified that he was editor of the "Miami Herald" in 1948 whereas affidavits of 4 officers and employees state that he was employed in a mechanical function in the teletype department for 5 months and was never engaged in any editorial or reportorial work.

FACTS: Crouch states that it is difficult to prove his employment with a hostile publication but he submitted a Photostat of a help wanted advertisement of the radio-facsimile department of the "Miami Herald" in 1948 and asked that the date be compared with Social Security records showing the date he began work on the "Herald." He adds that when he told the management that he was to be called as a witness in a trial of communist leaders in January 1949 he was immediately dismissed. He said that an official of the Justice Department immediately called on Mr. Knight, the owner of the "Miami Herald" and Mr. Hills, the managing editor, but they refused to reconsider his dismissal.

5) Crouch testified that he was employed as a copy production supervisor for the "Miami Daily News" and wrote feature articles. The motion claims that affidavits of 5 officers and employees state that Crouch was employed for 9 months solely as a tape cutter and was never employed in a supervisory capacity nor did he have anything to do with copy production or writing for the paper.

FACTS: Crouch submitted to the Attorney General a Photostat of a contract filed May 9, 1949, by Crouch and the "Miami Daily News." The contract provides the "Miami Daily News" copyright of articles by Crouch and further sale of articles by him to other newspapers. He also points out that if he had the money he could obtain from the Library of Congress more than 100 Photostats of daily newspapers with articles containg the byline "By Paul Crouch" and the line "Copyright Miami Daily News."

The motion then refers to the fact that the Attorney General had announced in May 1954 that the Department of Justice was undertaking an investigation of charges of perjury made against Crouch in various trials and proceedings. It adds that the defense

requested the Attorney General to make the results of this investigation available to the Court of Appeals. The motion continues by stating that on May 28,1954, Crouch's engagements as a witness for the Department of Justice were cancelled and he was removed from the payroll of the Department of Justice. In the conclusion of the motion it is stated that on June 30, 1954, Crouch wrote a letter to the Director of the FBI asking for an investigation of the members of the Attorney General's staff who were investigating him and subsequently he requested the Senate Committee on Government Operations and the Senate Judiciary Committee to investigate the Attorney General and his assistants charging that the pending investigation of his credibility had given aid and comfort to enemies of the U. S.

Crouch did write such a letter dated June 28, 1954, which was furnished to the Attorney General on July 2, 1954.

It should be noted that although numerous allegations have been made concerning Crouch's credibility he steadfastly maintained up until his death that all testimony given by him in Government trials and proceedings was absolutely true.